

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GABRIEL HALL,

Petitioner,

v.

BOBBY LUMPKIN, Director,
Texas Department of Criminal
Justice, Correctional Institutions
Division,

Respondent.

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No. 4:24-cv-00627
CAPITAL CASE

MOTION FOR APPOINTMENT OF COUNSEL

Petitioner, Gabriel Hall, by and through undersigned Counsel, respectfully requests that the Court appoint the Capital Habeas Unit of the Federal Public Defender for the Northern District of Texas (“FPD-NDTX”) to represent him in federal habeas corpus proceedings pursuant to 18 U.S.C. § 3599. In support of this request, Petitioner sets forth the following:

1. In September 2015, in the 272nd District Court, Brazos County, Mr. Hall was convicted of capital murder and later sentenced to

death. On direct appeal, the Texas Court of Criminal Appeals affirmed Mr. Hall's conviction and sentence. *Hall v. State*, 663 S.W.3d 15, 22 (Tex. Crim. App. 2021).

2. On February 7, 2024, the Texas Court of Criminal Appeals denied Mr. Hall's application for post-conviction relief. *Ex parte Hall*, No. WR-86,568-01 (Tex. Crim. App. Feb. 7, 2024).

3. Mr. Hall was found to be indigent throughout his state court proceedings. Mr. Hall is still indigent and is entitled to the appointment of counsel under 18 U.S.C. § 3599(a). He has never had his constitutional claims for relief addressed by a federal court and has a statutory right to the assistance of counsel in order to prepare and present those claims. *See* 18 U.S.C. § 3599(e); *McFarland v. Scott*, 512 U.S. 849, 857-58 (1998).

4. This Court's CJA Plan, General Order 19-05, recognizes that the two Capital Habeas Units (CHUs) in the state are authorized to represent capital habeas petitioners in federal court state-wide, including in the Southern District. S.D. Tex. Gen. Order 2018-18 at Part XIV.F.4. Consistent with its mandate, the FPD-NDTX currently represents twenty-nine capital clients throughout Texas – fourteen in

the Southern District, five in the Northern District, six in the Eastern District, and four in the Western District.

5. Moreover, because the FPD-NDTX is independently funded, it will not seek funding, reimbursement, or expenses from this Court in representing Mr. Hall.

6. Undersigned Counsel has conferred with the FPD-NDTX, and the office is willing and able to be appointed to represent Mr. Hall in his federal habeas proceeding. Specifically, Jeremy Schepers, the Supervisor of the CHU has informed Counsel of the office's availability to be appointed in this case. The unit consists of attorneys who specialize in capital habeas litigation. The CHU was created to assist inmates, such as Mr. Hall, in seeking relief in the federal courts.

7. The contact information for the FPD-NDTX is:

Jason D. Hawkins
Federal Public Defender
Northern District of Texas
525 Griffin Street, Suite 629
Dallas, Texas 75202
214.767.2746 (tel)
214.767.2886 (fax)
Jason_Hawkins@fd.org

Jeremy Schepers
Supervisor, Capital Habeas Unit
Northern District of Texas

525 Griffin Street, Suite 629
Dallas, Texas 75202
214.767.2746 (tel)
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Jeremy_Schepers@fd.org

10. Upon appointment, the FPD-NDTX will assign an attorney to enter an appearance on Mr. Hall's behalf.

11. Mr. Hall was informed of the FPD-NDTX's availability to be appointed to represent him, and he consents to the appointment.

12. WHEREFORE, Petitioner respectfully requests this Court appoint the Federal Public Defender for the Northern District of Texas, Capital Habeas Unit to represent him.

DATED: February 22, 2024

Respectfully submitted,

s/ David R. Dow

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Certificate of Service

I certify that on February 22, 2024, a copy of the foregoing motion was served on Edward L. Marshall, Chief of the Criminal Appeals Division of the Attorney General's Office via electronic mail.

s/ Jeffrey R. Newberry

Jeffrey R. Newberry